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Physicians Sue Specialty Boards for Threatening Certifications

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 **Bonner R Cohen** August 10, 2022

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A doctors' group is suing three medical specialty boards for threatening physicians with a loss of professional credentials for criticizing COVID-19 pandemic policies.

The Association of American Physicians and Surgeons Educational Foundation (AAPS) filed a lawsuit against the American Board of Internal Medicine (ABIM), the American Board of Obstetrics & Gynecology (ABOG), and the American Board of Family Medicine (ABFM) in the U.S. District Court for the Southern District of Texas on July 12.

"Defendants wrongly misuse their authority in a politically partisan manner to chill speech critical of positions taken by Dr. Anthony Fauci, lockdowns, mask mandates, COVID vaccines, and even abortion," states the AAPS [complaint](#).

'Improperly Chill Speech'

These semi-governmental organizations control the ability of doctors to practice medicine, according to the AAPS.

"Although only official state medical boards have the authority to regulate the practice of medicine, certification by the Board Defendants constitutes a *de facto* essential credential for practicing in most hospitals or participating in most networks," states the AAPS

complaint. "By threatening to revoke board certification of physicians, the Board Defendants improperly chill speech by physicians without the political accountability of state medical boards."

Actions by these credentialing groups directly affect the livelihood of doctors and patients' access to care, states the AAPS website.

"Losing certification often results in the loss of a physician's hospital privileges and insurers frequently make board certification a requirement to pay for care," states the AAPS. "In other words, when a specialty board takes away a physician's board certification, they may be taking away patients' access to that doctor."

'Partisan Retaliation'

The three organizations have taken specific actions threatening the livelihoods of physicians for expressing views at odds with the certification entities, states the AAPS complaint.

"The Board Defendants have announced their campaign to take action against certifications earned by physicians who make public statements with which the Board Defendants disagree," states the complaint. "Defendants ABIM and ABFM have already sent the letters to physicians threatening them with revocation of their earned board certification based on the exercise by those physicians of their First Amendment Rights on matters of public policy."

The boards have cautioned doctors against voicing disagreement with them on COVID-19 and reproductive issues, states the complaint.

"Defendant ABOG has publicly warned physicians against making statements against abortion and contraception, lest they have their board certification revoked by ABOG if it disagrees with such statements," the complaint states. "The partisan retaliation by Board Defendants has been based in part on statements by physicians warning pregnant women against receiving the Covid vaccine, even though the World Health Organization issued a similar warning in 2021."

'Experimental Products'

ABIM sent a letter threatening disciplinary action to Peter A. McCullough, M.D., an internist, cardiologist, and epidemiologist in Dallas, Texas, who was one of the first to question the efficacy of the vaccines, on May 26, McCullough told *Health Care News* (see related article, page 14).

"They went back and cited public statements I made and said basically that they disagreed with them," said McCullough. "They pulled out statements—many of which I made under oath—to the U.S. Senate twice and the Texas Senate twice. They said the statements could lead someone to think the vaccines weren't effective. They presume the vaccines are safe and effective, and that people should take them."

The ABIM is violating principles of ethical research adopted after World War II to prevent atrocities like those committed by the Nazis, says McCullough.

“The vaccines are under EUA (Emergency Use Authorization): no board, no doctor can ever encourage or discourage people from taking them because they’re experimental,” said McCullough. “The ABIM is violating the Nuremberg Code. You can’t pressure people to take experimental products.”

Medical License Threatened

State medical licenses are also at stake for physicians like Scott Jensen, M.D., who practices family medicine in Chaska, Minnesota.

Jensen questioned the COVID-19 death count, promoted off-label treatment with ivermectin, and called for banning private-sector vaccine mandates. He also was one of the first to call attention to the fact hospitals get more money by diagnosing patients with COVID-19.

Jensen’s views have put him in the crosshairs of the Minnesota Board of Medical Practice, which is investigating him for the fifth time.

‘Political Weapons’

The AAPS complaint also names Homeland Security Secretary Alejandro Mayorkas, who proposed a Disinformation Governance Board (“DGB”) designed to pressure social media and professional groups to censor alleged falsehoods, states the complaint.

Licensing and certification groups are undermining their own credibility by caving to political pressure, says Matt Dean, senior fellow for health care policy outreach at The Heartland Institute, which co-publishes *Health Care News*.

“Medical boards are there to protect public safety through high standards of training and public practice,” said Dean. “They are not there to chill speech or define ‘misinformation’ or disinformation.’ These terms have been used as political weapons against adversaries both to the right and the left. It is very sad to see these terms coming from boards themselves as they are badgered by political groups to engage in broader political disputes. Science by its very nature is never settled and declaring it so has seldom ended well for science.”

The ABIM will consider disciplinary action against him at a closed meeting late this summer, says McCullough.

“I have no idea who will attend, what rules they will be using to adjudicate,” said McCullough. “It’s basically a kangaroo court.”

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